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Remarks

Claims 1-15 are pending. Claims 1-3, 7-8, and 10-11 have been amended. No new matter has been inserted. Support for substep (i) of claim 1 can be found in Figure 1 and at p. 11, lines 3-14. Support for substep (ii) of claim 1 can be found in Figure 2 and at p. 11, lines 14-23. Claim 3 was amended to make it clearer. Support for the amendment to claim 5 can be found in original claim 1. Support for the amendment to claim 7 can be found at p. 5, lines 1-5. Claims 10 and 11 were amended to make them clearer.

Applicants note that the specification has been amended to provide a specific reference to the prior application from which priority is claimed. Applicants further note that the specification has been amended to remove the embedded hyperlinks.

Claim 2 was objected to as not ending in a period. In response, claim 2 has been amended, obviating the objection.

35 U.S.C. § 112, second paragraph

Claim 1-15 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants respectfully traverse.

Specifically, the office action stated that claim 1 was unclear based on use of the term "argentinated peptides or proteins" as well as a misspelling. While not conceding the correctness of the rejection, in the interest of advancing prosecution, applicants have amended claim 1 to obviate this rejection. Applicants respectfully request that this rejection be withdrawn.

The office action suggested amending claim 1 to state that the steps of the method are solely performed on oligopeptides, and not peptides or proteins as recited in the preamble. However, applicants point out that the method can be used to analyze full proteins or peptides, even though only an oligopeptide of the protein may actually be sequenced (p. 15, lines 10-32). This is because a sequenced oligopeptide may serve as a unique tag that allows identification of an entire protein (p. 15, lines 10-32). Accordingly, applicants submit that claim 1 is not unclear based on the recitation in the preamble of "argentinated peptides or argentinated proteins." Applicants respectfully request that this rejection be withdrawn.

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The office action stated that claim 1 appeared to be missing steps. While not conceding the correctness of the rejection, in the interest of advancing prosecution, applicants have amended claim 1 to obviate this rejection. Applicants respectfully request that this rejection be withdrawn.

The office action suggested that the term "comprises" in claim 3 be changed. While not conceding the correctness of the rejection, in the interest of advancing prosecution, applicants have amended claim 3 to obviate this rejection. Applicants respectfully request that this rejection be withdrawn.

The office action stated that claim 5 was unclear. Specifically, the office action stated that it is unclear where the values for the formulae are to be derived. While not conceding the correctness of the rejection, in the interest of advancing prosecution, applicants have amended claim 5 to obviate this rejection. The office action also stated it is unclear what is searched and how the use of the resulting formulas identify a cleaved residue. To the extent that the rejection is maintained in view of the amendment to claim 5, the applicants point out that the doublet or triplet peak patterns are identified and then m/z values are calculated for the peak patterns that correspond to specific amino acid residues or specific combinations of amino acid residues. Applicants direct the Examiner's attention to p. 8, line 29 through p. 9, line 18 for an explanation of this. An example of this process is provided in Example 1 where the sequence YGGFL/I is determined. Applicants respectfully submit that claim 5 is clear and that this rejection be withdrawn.

The office action stated that in claim 7 both doublet and triplet patterns are allegedly required, while in claim 1, either can be used and both are not required. However, applicants point out that claim 7 states that both the triplet peak pattern and the doublet peak pattern are identified, while claim 1 states that the sequence can be determined by the mass separation between two successive doublet or triplet patterns. Accordingly, the limitation of claim 7 in question relates to the peak patterns that are identified, whereas, the limitation of claim 1 in question relates to using those peak patterns to identify the sequence. Since these are different steps there is no conflict between the two and claim 7 is clear. Applicants respectfully request that this rejection be withdrawn.

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The office action stated that claim 8 was confusing. While not conceding the correctness of the rejection, in the interest of advancing prosecution, applicants have amended claim 8 to obviate this rejection. Applicants respectfully request that this rejection be withdrawn.

The office action stated that claim 9 lacks antecedent basis in claim 1. Contrary to the position of the office action, applicants point out that step (b) of claim 1 requires a mass spectrometer. Applicants respectfully request that this rejection be withdrawn.

The office action stated that claim 10 was unclear based on the phrase "argentinated peptides or proteins." While not conceding the correctness of the rejection, in the interest of advancing prosecution, applicants have amended claim 10 to obviate this rejection. Applicants respectfully request that this rejection be withdrawn.

The office action further stated that claim 11 was unclear based on use of the terms peptides and proteins as recited in the preamble. However, applicants point out that the method can be used to analyze full proteins or peptides, even though only an oligopeptide of the protein may actually be sequenced (p. 15, lines 10-32). This is because a sequenced oligopeptide may serve as a unique tag that allows identification of an entire protein (p. 15, lines 10-32). Accordingly, applicants submit that claim 11 is not unclear based on the recitation in the preamble of "argentinated peptides or argentinated proteins." Applicants respectfully request that this rejection be withdrawn.

35 U.S.C. § 102(b)

The office action rejected claims 1-15 under 35 U.S.C. § 102(b) as being anticipated by Chu et al (1999). The applicants respectfully traverse this rejection.

Chu et al. is not properly considered as a 35 U.S.C. § 102(b) reference. The office action states that this document was publicly available as of May 27, 1999. However, the present application claims priority to provisional application 60/193,208 filed March 30, 2000. As Chu et al. was not publicly available at least a year prior to the U.S. provisional filing date of March 30, 2000, it is not a 35 U.S.C. § 102(b) reference against the present application.

A declaration under CFR § 1.132 will be submitted from Xu Guo declaring that she did not contribute substantively to the work reported in the Chu et al. reference and is not to be

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considered an inventor of the matter disclosed in that reference. The authorship of the Chu et al. reference is the same as the inventorship of this application, except for the inclusion of Xu Guo as an author. Accordingly, the Chu et al. reference and the present application are by the same inventive entity and therefore the Chu et al. reference is not a 35 U.S.C. § 102(a) reference against the present application either.

Therefore, the applicants respectfully request that this rejection be withdrawn.

For at least these reasons, Applicant suggests that pending claims 1-15 are in condition for allowance and notification to that effect is respectfully requested. Should the Examiner feel that an interview would be beneficial in moving this case into condition for allowance, the Examiner is encouraged to contact the undersigned attorney at 612.371.5237.

Respectfully submitted,

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By: 

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